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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,570	11/10/2003	Daniel G. Giddings	TC408/410 CIP (24,954-122)	4241
7590 John F. Klos, Esq. Fulbright & Jaworski L.L.P. Suite 2100 80 South Eighth Street Minneapolis, MN 55402-4320			EXAMINER HECKERT, JASON MARK	
			ART UNIT	PAPER NUMBER
			1746	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/705,570	Applicant(s) GIDDINGS ET AL.	
	Examiner Jason Heckert	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/27/07 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/27/07 have been fully considered but they are not persuasive. Applicant has amended the claims in order to incorporate an order to the steps. Examiner would like to point out that although Besel has located the suction such that that the most efficient vacuuming step would occur after contact with the surface to be cleaned, the entire housing is still subject to a negative pressure or vacuum. Therefore, although weaker in the vicinity of the nozzle, a vacuum effect would still exist, thereby drawing up the smaller particles of water, dirt, dust, etc. Examiner feels that this would still constitute a "vacuum extracting" step that happens before contact with the surface, carpet, etc. This effect would not be exclusive to Besel, and many vacuuming devices experience different degrees of suction throughout their respective housing structure.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-6, 8-13, 15-16, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Besel. Besel discloses a movable machine performing a method of cleaning wherein the machine continuously wets a revolving belt 134 by spraying cleaning agent from nozzle 82. Suction shroud 36 applies a vacuum to housing 16. Although stronger closer to the shroud, said vacuum would be experienced throughout the housing structure including the area near nozzle 82 thereby extracting smaller particles of dust and fluid. The revolving belt then cleans a surface, specifically carpet. More material can be extracted from the belt via a vacuum through suction shroud 36 (col. 9 line 39-41). The revolving cleaning mediums include rotatable cylindrical elements 76F, 76r, and 116. In Fig. 9, multiple pairs of cylindrical elements are shown for each belt, wherein the elements for the left belt rotate in the opposite direction than that of the right belt. Each cylindrical element has an axis of rotation parallel to the surface being cleaned, as depicted by the arrows in Fig. 9, and transverse to the operational direction of the device. Furthermore, in the same figure, Besel discloses a pair of suction shrouds, each associated with a different cleaning medium. Considering that cleaning fabric requires no structural modifications, Besel's device is capable of performing the same method or function. Besel discloses that a reservoir is included to

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supply a cleaning agent (col. 5 line 1) and that a reservoir to collect spent liquid can be placed in a similar location of the device (col. 11 line 56). Besel states that the machine can be self-propelled (col. 11 line 40)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besel in view of Marcussen et al. Besel discloses cleaning mediums that include cylindrical elements to assist in rotation, but does not disclose the medium itself as being cylindrical. Marcussen discloses a cleaning device with twin cleaning mediums 32 and 34 that are both cylindrical. It would have been obvious to one skilled in the art to modify Besel to include said cylindrical cleaning mediums, as they are a structural alternative that provides an equivalent function to that of the cleaning medium that Besel discloses.

7. Claims 14, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besel in view of Miner et al. While Besel does disclose many of the features of the claimed invention, as described above, he does not disclose a structurally equivalent drip guard to that of the claimed invention. However, the use of a drip guard is not novel as it is commonly used throughout the art to prevent dirty fluid from falling back

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down on a cleaned surface. Miner et al. discloses a brush guard 466 capable of such function. It would have been obvious to modify Besel, as taught by Miner et al, to include a drip guard to prevent the combination of dirt and used agents from falling back down onto a cleaned surface.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

9. U.S. Patent 5,697,119 to Mussalo. Mussalo discloses a cleaning accessory for a vacuum cleaner including many equivalent structures of the claimed invention. A vacuum effect would be experienced throughout the entire housing of this device, thereby removing smaller dust, dirt, and fluid before contact with the surface to be cleaned.

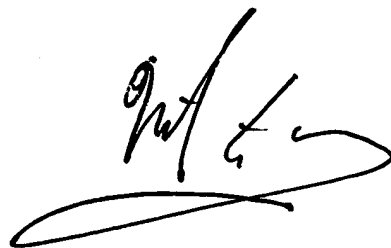
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

A handwritten signature in black ink, appearing to read 'Michael Barr', with a large, sweeping underline.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER